

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THEODORE E KING,

Plaintiff,

v.

CHRISTINE WORMUTH et al.,

Defendant.

CASE NO. C23-5584-KKE

ORDER ON DEADLINE FOR JOINT
STATUS REPORT

This matter comes before the Court on the parties' failure to comply with this Court's order to submit a joint status report. Dkt. No. 28. In June 2023, this case was transferred from the District of New Mexico. Dkt. No. 20. On August 2, 2023, Judge Estudillo issued an order setting deadlines for the Rule 26(f) conference, initial disclosures, and joint status report. Dkt. No. 28. On September 7, 2023, this case was transferred to this Court. The deadline set in Judge Estudillo's order for the parties to submit a joint status report was October 31, 2023. *Id.*

The parties are ordered to submit the required joint status report by November 30, 2023. Instructions and information that must be included in the report are as follows:

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the "Report"). This conference shall be by

1 direct and personal communication, whether that be an in-person or virtual face-to-face meeting
2 or a telephonic conference. Conferring by email is not sufficient. The Report will be used to set
3 a schedule for the prompt completion of the case. It must contain the following information by
4 corresponding paragraph numbers:

5 1. A statement of the nature and complexity of the case.
6 2. A proposed deadline for joining additional parties.
7 3. The parties have the right to consent to assignment of this case to a full time United
8 States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13 to conduct all
9 proceedings. The Western District of Washington assigns a wide range of cases to Magistrate
10 Judges. The Magistrate Judges of this district thus have significant experience in all types of civil
11 matters filed in our court. Additional information about our district's Magistrate Judges can be
12 found at www.wawd.uscourts.gov. The parties should indicate whether they agree that a
13 Magistrate Judge may conduct all proceedings including trial and the entry of judgment. When
14 responding to this question, the parties should only respond "yes" or "no." Individual party
15 responses should not be provided. A "yes" response should be indicated only if all parties consent.
16 Otherwise, a "no" response should be provided.

17 4. For class action cases only: A proposed deadline for filing a Motion for Class
18 Certification. The parties shall propose an agreed-upon briefing schedule for the class
19 certification motion. Non-class action cases shall simply state "N/A."

20 5. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the
21 parties' views and proposals on all items set forth in FRCP 26(f)(3), which includes the following
22 topics:

23 (A) initial disclosures;

24 (B) subjects, timing, and potential phasing of discovery;

- (C) electronically stored information;
- (D) privilege issues;
- (E) proposed limitations on discovery; and
- (F) the need for any discovery related orders.

6. The parties' views, proposals, and agreements, by corresponding paragraph letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following topics:

- (A) prompt case resolution;
- (B) alternative dispute resolution;
- (C) related cases;
- (D) discovery management;
- (E) anticipated discovery sought;
- (F) phasing motions;
- (G) preservation of discoverable information;
- (H) privilege issues;
- (I) Model Protocol for Discovery of ESI; and
- (J) alternatives to Model Protocol.

7. For patent cases only: The case name, case number, and court or other tribunal for any pending or prior action challenging the patent(s) at issue in the case.

8. The date by which discovery can be completed.

9. Whether the case should be bifurcated; e.g., by trying the liability issues before the damages issues; or bifurcated in any other way.

10. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

1 11. Whether the parties intend to utilize the Individualized Trial Program set forth in
2 Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

3 12. Any other suggestions for shortening or simplifying the case.

4 13. The date the case will be ready for trial. The Court expects that most civil cases
5 will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

6 14. Whether the trial will be jury or non-jury.

7 15. The number of trial days required.

8 16. The names, addresses, and telephone numbers of all trial counsel.

9 17. The dates on which trial counsel may have complications to be considered in setting
10 a trial date.

11 18. If, on the due date of the Report, all defendant(s) or respondent(s) have not been
12 served, counsel for the plaintiff shall advise the Court when service will be effected, why it was
13 not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference
14 and FRCP 26(a) initial disclosures.

15 19. Whether any party wishes a conference with the Court before the entry of any order
16 pursuant to Rule 16 or setting of a schedule for this case.

17 20. The date(s) that each nongovernmental corporate party filed its disclosure statement
18 pursuant to FRCP 7.1 and Local Civil Rule 7.1.

19 21. A certification that all counsel and any pro se parties have reviewed the Civil Rules,
20 the Local Rules, and the applicable Electronic Filing Procedures.

21 21. A certification that all counsel and any pro se parties have reviewed and complied
22 with Judge Evanson's Standing Order Regarding 28 U.S.C. § 455(b)(2) and Canon 3(C)(1)(b) of
23 the Code of Conduct for United States Judges. *See* Dkt. No. 32.

1 If the parties are unable to agree on any part of the Report, they may answer in separate
2 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference with
3 the Court at any time during the pendency of this action, they should notify Diyana Staples,
4 Courtroom Deputy, at Diyana_Staples@wawd.uscourts.gov.

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6 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
7 to any party appearing pro se at said party's last known address.

8 Dated this 17th day of November, 2023.

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11 Kymberly K. Evanson
12 United States District Judge
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